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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/317,746	05/24/1999	ROBERT L. STEWART	CIS-1219	9501
21005	7590	12/18/2003	EXAMINER	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			WOO, ISAAC M	
			ART UNIT	PAPER NUMBER
			2172	

DATE MAILED: 12/18/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/317,746

Applicant(s)

STEWART ET AL.

Examiner

Isaac M Woo

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11-14,18,20,21,23 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,11-14,18,20,21,23 and 27-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 14 November 2003, has been entered.

2. Claims 11, 23 and 31 are currently amended. And claims 1, 3, 5-9, 11-14, 18, 20, 21, 23 and 27-34 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3, 5-9, 11-14, 18, 20, 21, 23 and 27-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiggins (U.S. Patent No. 5,717,604) in view of Hoyer et al (U.S. Patent No. 6,236,361, Hereinafter, "Hoyer").

With respect to claims 1, 18, 27-29 and 31-32, Wiggins discloses, the method, apparatus and computer program for prioritizing a network management (network monitoring, 2, lines 45-67 to col. 3, lines 1-46) request sent by a management station to a managed element (col. 3, lines 17-46), assigning a priority value to the network management request received by the managed element dependent upon a user identifier in a network management wrapper included in the request, the user identifier identifying the user of an application from which the request was sent, see (col. 3, lines 17-46, col. 14, lines 11-64), scheduling the network management request by the managed element dependent on the assigned priority value, see (fig. 7, col. 14, lines 11-64).

Wiggins discloses the assigning priority value, see (col. 14, lines 11-64).

Wiggins does not explicitly disclose, the assigning priority value to the "Simple Network Management Protocol message". However, Wiggins discloses the network monitoring, see (col. 5, lines 8-47), SNMP is standard network monitoring protocol. Hoyer discloses, network monitoring protocol is SNMP, see (col. 8, lines 41-58). Therefore, it would have been obvious to a person having ordinary skill in the art the time of the invention was made to include the assigning priority value to the "Simple Network Management Protocol message" in the system of the Wiggins to provide network monitoring protocol to transmit network monitoring command to the network devices. Because SNMP (Simple Network Management Protocol) is a standard protocol defined in STD 15, RFC 1157, developed to manage network devices on an IP network.

SNMP is not limited to TCP/IP. It can be used to manage and monitor all sorts of equipment including computers, routers, wiring hubs, toasters and jukeboxes.

With respect to claims 3, 20 and 33, Wiggins discloses the adding a priority value to an authentication group comprising user identification, in an authentication table, see (col. 3, lines 17-46).

With respect to claims 5, 21, 23 and 34, Wiggins discloses the extracting a user identification from the network management request; determining the priority value by using the extracted user identification to index the authentication table, see (col. 3, lines 17-46).

With respect to claims 6 and 11, Wiggins discloses the selecting the order of execution of the network management request dependent on the determined priority value, see (col. 12, lines 23-41, col. 13, lines 18-42, FIG. 2, col. 5, lines 31-45, 502, scheduler, FIG. 5).

With respect to claims 7 and 12, Wiggins discloses that preempting the currently executing task if the determined value for the management request is higher than the currently executing task, see (col. 14, lines 11-64).

With respect to claims 8-9 and 13-14, Wiggins discloses the adding a management request to the request queue dependent on priority value, see (col. 14, lines 11-64).

With respect to claims 30, the message is in the form of a Simple Network Management Request is discussed in claims 1, 18, 27-29 and 31-32 above.

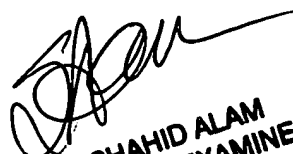
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac M Woo whose telephone number is (703) 305-0081. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

IMW
December 9, 2003


SHAHID ALAM
PRIMARY EXAMINER